

Notice of Allowability

Application No.

10/705,700

Examiner

Jordan M. Schwartz

Applicant(s)

SORDJAN, SIMEON

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-28.
3. ☒ The drawings filed on 10 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Art Unit: 2873

Allowed Claims: 1-28.

Examiner's Amendment/Reasons for Allowance/Examiner's Comments

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jennifer Meredith on December 20, 2004.

The application has been amended as follows:

1. Replace the Abstract with the attached Abstract;
2. Claim 1, line 7, delete "created by" and insert therein --wherein said lower field of vision is created for viewing below--;
3. Claim 1, line 9, after "outward" insert --in a fixed position--;
4. Claim 1, line 12, after "outward" insert --in a fixed position--;
5. Claim 3, line 2, after "and" insert --, below said right lens and said left lens,--
6. Claim 4, line 2, change "circular" to --semi-circular--;
7. Claim 5, line 2, change "elliptical" to --semi-elliptical--;
8. Claim 8, line 7, delete "created by" and insert therein --wherein said lower field of vision is created for viewing below--;
9. Claim 8, line 9, after "outward" insert --in a fixed position--;

Art Unit: 2873

10. Claim 8, line 12, after "outward" insert --in a fixed position--;

11. Claim 10, line 2, after "and" insert --, below said right lens and said left lens,--

12. Claim 15, line 2, change "circular" to --semi-circular--;

13. Claim 16, line 2, change "elliptical" to --semi-elliptical--;

14. Claim 19, line 7, delete "created by" and insert therein --wherein said lower field of vision is created for viewing below--;

15. Claim 19, line 9, after "outward" insert --in a fixed position--;

16. Claim 19, line 12, after "outward" insert --in a fixed position--;

17. Claim 19, line 25, after "and" insert --, below said right lens and said left lens,--

18. Claim 20, line 2, change "circular" to --semi-circular--;

19. Claim 21, line 2, change "elliptical" to --semi-elliptical--;

20. Claim 24, line 3, delete "having a top a right lens";

21. Claim 24, line 8, delete "created by" and insert therein --wherein said lower field of vision is created for viewing below--;

22. Claim 24, line 10, after "outward" insert --in a fixed position--;

23. Claim 24, line 13, after "outward" insert --in a fixed position--;

24. Claim 25, line 2, change "circular" to --semi-circular--;

25. Claim 26, line 2, change "elliptical" to --semi-elliptical--;

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: none of the prior art either alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103. Specifically, with reference to independent claims 1, 8, 19, and 24, none of the prior art either alone or in combination disclose or teach of the claimed pair of eyeglasses or method of manufacturing a pair of eyeglasses, specifically including, as the distinguishing feature in combination with the other limitations, the claimed bottom edges of the right and left lenses projecting outward in a fixed position at an angle as claimed and the claimed lower field of vision created for viewing below the bottom edge of the lenses.

Examiner's Comments

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

Tostado, Haley, Tuckman, and Stoner, are being cited herein to show eyeglasses having some similar structure to that of the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M. Schwartz whose telephone number is (571) 272-2337. The examiner can normally be reached on Monday to Friday (8:00-5:30), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached at (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jordan M. Schwartz
Primary Examiner
Art Unit 2873
December 21, 2004

Abstract

A preferred embodiment includes a pair of eyeglasses comprising a right lens having a top edge, a bottom edge, and being in optical registry with the wearer's right eye, and a left lens having a top edge, a bottom edge and being in optical registry with the wearer's left eye. This creates an upper field of vision and a lower field of vision for the wearer created by the bottom edge of the right lens and the bottom edge of the left lens. The bottom edge of the right lens projects outward an angle between 0.5 degrees and 20 degrees from the vertical axis intersecting the top edge of the right lens and the bottom edge of left lens projects outward an angle between 0.5 degrees and 20 degrees from the vertical axis intersecting the top edge of the left lens.